

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

DOMINIC ROBIDOUX, by his mother *
DMITRIA ROBIDOUX, *

Petitioner, *

v. *

SECRETARY OF HEALTH *
AND HUMAN SERVICES, *

Respondent. *

No. 07-576V
Special Master Christian J. Moran

Filed: June 23, 2009

Stipulation; varicella vaccine;
neurologic injury, transverse myelitis
(TM).

UNPUBLISHED DECISION¹

Lisa Roquemoire, Esq., Broker & Associates, Irvine, CA, for Petitioner;
Lisa A. Watts, Esq., U.S. Department of Justice, Washington, D.C., for Respondent.

On June 18, 2009, the parties filed a joint stipulation concerning the petition for compensation filed by Dmitria Robidoux on behalf of her minor son, Dominic Robidoux, on July 31, 2007. In the petition, Ms. Robidoux alleged that the varicella vaccine, which is contained in the Vaccine Injury Table, 42 C.F.R. §100.3 (a), and which Dominic received on April 8, 2005, caused him neurologic injuries, including transverse myelitis. Ms. Robidoux alleged that within three days of the vaccination, Dominic experienced diffuse body pain, progressive numbness and weakness of the extremities, and an inability to walk. Dominic was hospitalized and diagnosed with transverse myelitis.

¹ Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, the person submitting the information has 14 days to identify and to move to delete such information before the document's disclosure. If the special master agrees that the identified material fits within the categories listed above, the special master shall redact such material from public access. 42 U.S.C. § 300aa-12(d)(4)(B); Vaccine Rule 18(b).

Respondent denies that Dominic's transverse myelitis was caused by his receipt of the varicella vaccine.

Nevertheless, the parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

A lump sum payment of \$125,000.00 in the form of a check payable to the petitioner as the guardian/conservator of Dominic's estate. This amount represents compensation for all damages that would be available pursuant to 42 U.S.C. § 300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment in case 07-576V according to this decision and the attached stipulation.

Any questions may be directed to Francina Segbefia at (202) 357-6358.

IT IS SO ORDERED.

S/ Christian J. Moran

Christian J. Moran
Special Master